

KRAMER LEVIN NAFTALIS & FRANKEL LLP  
919 THIRD AVENUE  
NEW YORK NY 10022  
(212) 715-9100

FAX RECEIVED  
JUN 10 2003  
PETITIONS OFFICE

Fax Department: (212) 715-9191

Fax Number: (212) 715-8000

FROM: Carrie L. Caggiano  
PHONE: (212) 715-7765

DATE: June 10, 2003

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

RECIPIENT	COMPANY	FAX NO.	PHONE NO.
1. Alicia Brown	USPTO-Office of Petitions	703-308-6916	703-305-0310

Total number of pages including this page: 4

The documents accompanying this facsimile transmission are intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of the communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

Re: U.S. Application No. 10/039,296

Examiner Brown:

As requested, attached please find a copy of a revised Declaration for the above-identified application properly stating Mr. Dan Carother's address.

Please let me know if you have any questions or require any additional documents or information.

Regards,

Carrie Caggiano

FAX RECEIVED

54998/0002

Attorney Docket No.

JUN 10 2003

## DECLARATION AND POWER OF ATTORNEY

PETITIONS OFFICE

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

This declaration is of the following type: (check one)  utility;  design; supplemental;  national stage of PCTI believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if multiple names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## NON-VOLATILE MAGNETIC MEMORY DEVICE

the specification of which: (check one)  is attached hereto;  was filed on October 19, 2001 as Application Serial No. 10/039,296 and is/was amended on \_\_\_\_\_ (*if applicable*);  was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ as amended under PCT Article 19 on \_\_\_\_\_ (*if any*).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (*if any*):

Prior Foreign/PCT Application(s)		Priority claimed
(Number)	(Country)	Day/month/year filed Yes No
_____	_____	_____ <input type="checkbox"/> <input type="checkbox"/>
_____	_____	_____ <input type="checkbox"/> <input type="checkbox"/>
_____	_____	_____ <input type="checkbox"/> <input type="checkbox"/>

54998/0002

Attorney Docket No.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below (*if any*):

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60/242,396

October 20, 2000

Provisional Application Number

Filing Date

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Provisional Application Number

Filing Date

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.) (Filing date) (patent, pending, abandoned)

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(Application Serial No.) (Filing date) (patent, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint the following practitioner(s): Nicholas L. Coch, Reg. No. 20,065; Peter A. Abruzzese, Reg. No. 26,437; Randy Lipsitz, Reg. No. 29,189; Donald L. Rhoads, Reg. No. 34,705; Chris Kolefas, Reg. No. 35,226; Vito J. Debari, Reg. No. 36,496; Jonathan S. Caplan, Reg. No. 38,094; Richard L. Moss, Reg. No. 39,782; Albert B. Chen, Reg. No. 41,667; Kevin M. Curran, Reg. No. 43,571; Robert E. Alderson, Jr., Reg. No. 44,500; Louis H. Weinstein, Reg. No. 45,205; Barry Evans, Reg. No. 22,802; Gregor N. Neff, Reg. No. 20,596; George B. Snyder, Reg. No. 27,675; William J. Spatz, Reg. No. 30,108; Theodore J. Mlynar, Reg. No. 40,096; John W. Kung, Reg. No. 44,199; Christopher Colvin, Reg. No. 39,147 and Mary W. Richardson, Reg. No. 48,320 all of the firm of Kramer Levin Naftalis & Frankel LLP, 919 Third Avenue, New York, New York 10022, as my attorneys with full powers of substitution and revocation, and to receive the patent and to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

54998/0002

Attorney Docket No.

Kindly direct all correspondence regarding this application to the attorney at the following address:

Jonathan S. Caplan, Esq.  
Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, New York 10022  
Phone: (212) 715-9488  
Fax: (212) 715-8000

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of first inventor: **James Stephenson**

Residence: 1368 Linda Rosa Avenue, Salt Lake City, Utah 84106

Citizenship: USA

Post Office Address: Same

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of second inventor: **Bruce Shipley**

Residence: 1808 Father Sky N.E., Apartment C., Albuquerque, New Mexico 87112

Citizenship: USA

Post Office Address: Same

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of third inventor: **Dan Carothers**

Residence: MER 15-1813, 130 Daniel Webster Highway, Merrimack, New Hampshire 03054

Citizenship: USA

Post Office Address: Same

Inventor's signature: \_\_\_\_\_ Date: \_\_\_\_\_

(check one) Sheets containing additional joint inventors  are,  are not attached hereto.